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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,673	05/27/2005	Judith Anne Napier-Clark	1025-P03634US00	4623
110 7590 06/15/2007 DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307			EXAMINER CHOW, CHARLES CHIANG	
			ART UNIT 2618	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,673

Applicant(s)

NAPIER-CLARK, JUDITH ANNE

Examiner

Charles Chow

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 2618

Detailed Action

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14-16, the features for the "wherein two cavities in one of said laterally opposed side walls are identical to two of said cavities in the opposite laterally opposed side wall" does not distinctly point out the meaning of the "identical". It is unclear that the "identical" is meant for the position, or the size, or the dimension, of the two opposite cavities in the laterally opposed side wall.

For the examination purpose, it is assumed the position for the opposing two cavities are identical.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

Art Unit: 2618

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 9-11, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlino [US 2003/0000,865 A1] in view of Goldring [US 6,796,431 B1] and Kazuko [JP 2002-119,159].

For claim 1, Carlino teaches a portable personal communications [the cellular telephone 14, Fig. 1 & its related description in the specification] and cosmetics apparatus [10/12, Fig. 1-Fig. 1B, & its corresponding description in the specification] comprising a separate mobile phone unit mounted on the base unit [the cellular phone 14 is sliding mounted onto the base of cosmetic case 12, via channels 26 & members 22, Fig. 1/Fig. 1A, paragraph 0023-0025].

Carlino fails to teach the two opposing side walls each with a plurality of cavities therein for receiving removable cosmetics products.

Goldring teaches the a base unit having two laterally opposed side walls, each with a plurality of cavities therein for receiving removable cosmetics products [the low storage means having cavities 6a to 6d, the opposing cavities 6e to 6h in col. 5, line 51 to col. 6, line 6; the on the two laterally opposed side walls 81, 8b in col. 7, lines 41-48 , Fig. 5/Fig. 4, Fig. 1/Fig. 2 & its corresponding description in the specification], such that user can conveniently access the cosmetics sharpener or pencil, on the opposite side, with either hand, one hand or the other hand [col. 3, line 66 to col. 4, line 16]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino with Goldring's cosmetics on opposing sides, such that user can conveniently access the cosmetics sharpener or pencil, on the opposite side, with either hand, one hand or the other hand.

Art Unit: 2618

Kazuko teaches a portable telephone has the cavities, holes, 6a to 6d on one side wall of the removable cartridge 60, drawings 1-4 & its related description in the specification. It would be obvious to add cosmetics cavities on the opposite side of the wall for the convenient access the cosmetics products from both sides of the wall, as suggested by Goldring above. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino, Goldring with Kazuko cosmetics cavities on the side wall, such that the user could be conveniently access the cosmetics products from both sides of the wall, as suggested by Goldring above.

For claim 2, Carlino teaches an apparatus [10, Fig. 3A/Fig. 1, Fig. 5/Fig. 5A], in which said mobile phone unit [cellular telephone 14] is detachably mounted on the base unit [14 is detachable mounted to base for 18 via 22, 28, paragraph 0024].

For claims 3, 9, Carlino teaches an apparatus [Fig. 3A] further comprising a top unit [12] for carrying further cosmetics products [cosmetic palette 30 in opening 32, paragraph 0029, Fig. 5].

For claim 4, Carlino teaches an apparatus [Fig. 3A] in which the top unit [12] is detachably mountable on the mobile phone unit 14 [detachable mountable via 22, 28].

For claim 5, Carlino teaches an apparatus [in Fig. 2/2A] including a fascia device [12] detachably mountable on the mobile phone unit [14] when the latter is detached from the base unit [the member 46 of cosmetic 12 is detachable from the pocket 48/slit 50 on the back side base 24 of mobile phone 14, paragraph 0027-0029].

For claim 7, Carlino teaches a portable personal communications [14] and cosmetics apparatus [12] comprising a base unit [the base having back side 24, paragraph 0031],

a cosmetics carrier [10] for cosmetics products [palette 32] comprising a tray slidable in the base unit carried by the base unit and movable relative thereto between an open

Art Unit: 2618

position for accessing the cosmetics products and a closed position [a tray having slidable flap member 46 with foldable first half 16 & second half 18 of the cosmetic case 12, slidably inserted the member 46 into slot 50 of the back base; an open position for unfolding 16, 18 to access the cosmetics products & the closing position for carrying the cosmetic 12, Fig. 2A, Fig. 4, paragraph 0028-0031],

a separate mobile phone unit mounted on the base unit [the cellular phone 14 is sliding mounted onto the base of cosmetic case 12, via channels 26 & members 22, Fig. 1/Fig. 1A, paragraph 0023-0025].

Carlino fails to teach the two opposing side walls each with a plurality of cavities therein for receiving removable cosmetics products.

Goldring teaches the said base unit having two laterally opposed side walls, each with a plurality of cavities therein for receiving further removable cosmetics products [the low storage means having cavities 6a to 6d, the opposing cavities 6e to 6h in col. 5, line 51 to col. 6, line 6; the on the two laterally opposed side walls 81, 8b in col. 7, lines 41-48 , Fig. 5/Fig. 4, Fig. 1/Fig. 2 & its corresponding description in the specification], such that user can conveniently access the cosmetics sharpener or pencil, on the opposite side, with either hand, one hand or the other hand [col. 3, line 66 to col. 4, line 16]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino with Goldring's cosmetics on opposing sides, such that user can conveniently access the cosmetics sharpener or pencil, on the opposite side, with either hand, one hand or the other hand.

Kazuko teaches a portable telephone has the cavities, holes, 6a to 6d on one side wall of the removable cartridge 60, drawings 1-4 & its related description in the specification. It would be obvious to add the cosmetics cavities on the opposite side of the wall for the

Art Unit: 2618

convenient access the cosmetics products from both sides of the wall, as suggested by Goldring above. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino, Goldring with Kazuko cosmetics cavities on the side wall, such that the user could be conveniently access the cosmetics products from both sides of the wall, as suggested by Goldring above.

For claim 10, Carlino teaches a portable personal communications [Palm Pilot or cellular telephone 14, Fig. 3A, Fig. 5] and cosmetics apparatus [12], comprising a base unit [the base having back side 24, paragraph 0031],

wherein said base unit side walls have a given depth [the side wall having depth of panel member 52, for pocket 48, on the back of the base unit integrated with cellular phone 14, Fig. 2/ Fig. 2A, paragraph 0027],

said base unit having a width of said mobile phone unit, a length greater than the length of said mobile phone unit [the back of base, having 52, 48, shares the same width with the cellular phone 14 & having length greater than cellular phone, Fig. 2A, paragraph 0027], and

an tray for receiving the cosmetics products slidably mounted in said base [the tray, having slidable flap member 46 with foldable first half 16 & second half 18 of the cosmetic case 12, slidably inserted the member 46 into slot 50 of the back base; an open position for unfolding 16, 18 to access the cosmetics products & the closing position for carrying the cosmetic 12, Fig. 2A, Fig. 4, paragraph 0028-0031],

said tray having a depth less than said given depth, one of said cavities slidably receiving said tray and other of said cavities adapted to receive individual cosmetic products [the member 46 having less depth of the panel 52, slit 50 for slidably receiving member 46

Art Unit: 2618

of the tray having 16, 18 of 12, & other cavities 32 on 16 for receiving cosmetic products 32, paragraph 0025, Fig. 2A & its description in specification].

For claim 11, Carlino teaches a portable telephone 14 and cosmetics apparatus [12], the selected cosmetic products having screw-thread packages [the screw threaded 10 for the cosmetics products 7a to 7h, Fig. 5], selected ones of said cavities being screw-threaded complementary to said screw-threaded packages [the selected ones of said cavities 6a-6h being screw threaded complementary, threaded recess 28 in the housing 28, to the thread 10, col. 7, lines 1-20, Fig. 5/Fig. 6].

For claim 12, Carlino teaches a portable personal communications [14] and cosmetics apparatus [10/12] comprising a case, and a separate a- mobile phone unit non-detachably mounted in a said case [the case of portable phone 14 has back side housing 24 with single panel 52, pocket 48, for the non-detachably mounted to the phone 14 to the back side, Fig. 2/Fig. 2A & it related description in the specification],

said case having a back coextensive in length and width with said unit [the back side housing 24 has panel 52 which is coextensive in length and width with the phone 14 unit, Fig. 2/Fig. 2A & it related description in the specification],

said apparatus [Fig. 2A/Fig. 2] having a recess [slit 50] separating the phone unit [14] from the back of the case [back 24 via panel 52], and a cosmetics carrier [10/12] for cosmetics products [palette 32] comprising

a tray slidable in the hollow recess of the case [member 46 slidably inserted into the slit opening 50, Fig. 2A] and

movable relative thereto between an open position for accessing the cosmetics products and a closed position [the tray, having slidable flap member 46 with foldable first half 16 & second half 18 of the cosmetic case 12, slidably inserted the member 46 into slot 50 of the

Art Unit: 2618

back base; an open position for unfolding 16, 18 to access the cosmetics products & the closing position for carrying the cosmetic 12, Fig. 2A, Fig. 4, paragraph 0028-0031].

Carlino fails to teach the said case having two laterally opposed side walls, each with a plurality of cavities therein for receiving further removable cosmetic products.

Goldring teaches the said case having two laterally opposed side walls, each with a plurality of cavities therein for receiving further removable cosmetics products [the low storage means having cavities 6a to 6d, the opposing cavities 6e to 6h in col. 5, line 51 to col. 6, line 6; the on the two laterally opposed side walls 81, 8b in col. 7, lines 41-48 , Fig. 5/Fig. 4, Fig. 1/Fig. 2 & its corresponding description in the specification], such that user can conveniently access the cosmetics sharpener or pencil, on the opposite side, with either hand, one hand or the other hand [col. 3, line 66 to col. 4, line 16]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino with Goldring's cosmetics on opposing sides, such that user can conveniently access the cosmetics sharpener or pencil, on the opposite side, with either hand, one hand or the other hand.

Kazuko teaches a portable telephone has the cavities, holes, 6a to 6d on one side wall of the removable cartridge 60, drawings 1-4 & its related description in the specification. It would be obvious to add the cosmetics cavities on the opposite side of the wall for the convenient access the cosmetics products from both sides of the wall, as suggested by Goldring above. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Carlino, Goldring with Kazuko cosmetics cavities on the side wall, such that the user could be conveniently access the cosmetics products from both sides of the wall, as suggested by Goldring above.

For claim 13, Carlino teaches a portable telephone 14 and cosmetics apparatus [12],

Art Unit: 2618

including a plurality of cavities in said case [cavities 6i to 6h, Fig. 5 & its related description in specification],

the selected cosmetic products having screw-thread packages [the screw threaded 10 for the cosmetics products 7a to 7h, Fig. 5], selected ones of said cavities being screw-threaded complementary to said screw-threaded packages [the selected ones of said cavities 6a-6h being screw threaded complementary, threaded recess 28 in the housing 28, to the thread 10, col. 7, lines 1-20, Fig. 5/Fig. 6].

For claims 14-16, Carlino a portable personal communications [14] and cosmetics apparatus [12], but fails to teach the wherein two of said cavities in one of said laterally opposed side walls are identical to two of said cavities in the opposite laterally opposed side wall.

Goldring teaches the wherein two of said cavities in one of said laterally opposed side walls are identical to two of said cavities in the opposite laterally opposed side wall [the cavities 6a/6e, 6d/6h are respectively located at the identical positions in the opposite laterally opposed, left, right, side wall, as shown in Fig. 2, Fig. 5, col. 4, lines 27-32 & it related description in specification], such that user can conveniently access the cosmetics sharpener or pencil, on the opposite side, with either hand, as the motivation to combine Goldring to Carlino.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5, 7, 9-16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's amendment for the no teachings of a base having two laterally opposed side walls each with a plurality of cavities for receiving removable cosmetics products and a separate mobile phone unit mounted on the base unit,

Art Unit: 2618

Goldring [US 6,796,431 B1] teaches base having two laterally opposed side walls each with a plurality of cavities for receiving removable cosmetics products [the low storage means having cavities 6a to 6d, the opposing cavities 6e to 6h in col. 5, line 51 to col. 6, line 6; the on the two laterally opposed side walls 81, 8b in col. 7, lines 41-48 , Fig. 5/Fig. 4, Fig. 1/Fig. 2 & its related description in the specification].

Carlino [US 2003/0000,865 A1] teaches a separate mobile phone unit mounted on the base unit [the cellular phone 14 is sliding mounted onto the base of cosmetic case 12, via channels 26 & members 22, Fig. 1/Fig. 1A, paragraph 0023-0025].

Kazuko, JP 2002-119,159 teaches a portable telephone has the cavities, holes, 6a to 6d on one side wall of the removable cartridge 60, drawings 1-4 & its related description in the specification. It would be obvious to add the cosmetics cavities on the opposite side of the wall for the convenient access the cosmetics products from both sides of the wall, as suggested by Goldring above.

Conclusion

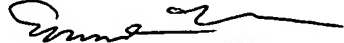
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

Art Unit: 2618

only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow *CC*.

May 29, 2007.


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